

Attorney Ref.: 201-091

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TTAB

The Mentholatum Company,

Opposer,

v.

Opposition No.: 91/160,810

Therox, Inc.,

Applicant.

OPPOSER'S NOTICE OF RELIANCE PURSUANT TO TRADEMARK RULE 2.122(D)

Opposer, by its attorney, hereby relies, pursuant to Trademark Rule 2.122(d), on its registrations as follows:

<i>Mark</i>	<i>Registration Number</i>	<i>Issue Date</i>
THINK OXY, THINK OXYGEN. GET IT?	2,538,646	February 12, 2005
OXY 10	1,141,969	December 2, 1980
OXY (stylized)	1,873,555	January 17, 1995
OXY	1,869,207	December 27, 1994
OXY & Design	2,919,984	January 18, 2005
OXY Design	2,874,733	August 17, 2004
OXY (stylized)	2,919,983	January 18, 2005
OXY BALANCE ON-THE-GO	2,480,829	August 21, 2001
THE OXYGENATOR	2,685,219	February 11, 2003

10-16-2006

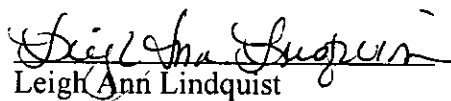
U.S. Patent & TMO/TM Mail

This Notice of Reliance is accompanied by copies of each of the foregoing registrations which copies were prepared and issued by the United States Patent and Trademark Office showing both the current status and current title to each registration. A photocopy of each certified copy of the registration is also attached.

Respectfully submitted,

THE MENTHOLATUM COMPANY

By:



Leigh Ann Lindquist

Attorney for Opposer

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

Washington, D.C. 20037

Tele.: 202. 663-7409

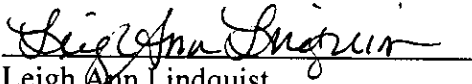
Date: October 16, 2006

Enclosures: Certified copies and photocopies of Registrations (18)
Certificate of Service

CERTIFICATE OF SERVICE

I, Leigh Ann Lindquist, Esquire, hereby certify that on this 16th day of October, 2006, a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE PURSUANT TO TRADEMARK RULE 2.122(D)** has been properly served, via First Class U.S. Mail, postage prepaid and fax to:

Tawnya Wojciechowski, Esq.
TRW Law Group
19990 MacArthur Boulevard, Suite 1150
Irvine, CA 92612


Leigh Ann Lindquist

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,538,646 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *December 02, 2002*

SAID RECORDS SHOW TITLE TO BE IN:

***THE MENTHOLATUM COMPANY
A DE CORP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

T. Lawrence

**T. LAWRENCE
Certifying Officer**



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,538,646

Registered Feb. 12, 2002

**TRADEMARK
PRINCIPAL REGISTER**

THINK OXY, THINK OXYGEN. GET IT?

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
P.O. BOX 7929
PHILADELPHIA, PA 19101**

**OWNER OF U.S. REG. NOS. 1,869,207, 2,291,853,
AND OTHERS.**

**FOR: ACNE MEDICATION, IN CLASS 5 (U.S. CLS.
6, 18, 44, 46, 51 AND 52).**

SN 76-052,754, FILED 5-22-2000.

FIRST USE 9-30-2000; IN COMMERCE 9-30-2000.

AISHA CLARKE, EXAMINING ATTORNEY

7033188

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,141,969 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 20 YEARS FROM *December 02, 1980*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 02, 2000*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

THE MENTHOLATUM COMPANY

A DE CORP

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

T. Lawrence

T. LAWRENCE

Certifying Officer



Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,141,969

Registered Dec. 2, 1980

TRADEMARK

Principal Register

OXY 10

Norcliff Thayer Inc. (New York corporation)
One Scarsdale Rd.
Tuckahoe, N.Y. 10707

For: MEDICATION FOR TREATMENT OF
ACNE, in CLASS 5 (U.S. Cl. 18).

First use Oct. 19, 1977; in commerce Oct. 19, 1977.

Owner of U.S. Reg. No. 941,289.

Applicant further states no claim is made to
exclusive use of the numeral 10 apart from the mark
as shown in the drawing.

Ser. No. 195,774, filed Dec. 6, 1978.

ROY H. NEILSON, Primary Examiner

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,873,555 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *January 17, 1995*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *January 17, 2005*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

THE MENTHOLATUM COMPANY

A DE CORP

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

T. LAWRENCE

Certifying Officer



Int. Cl.: 5

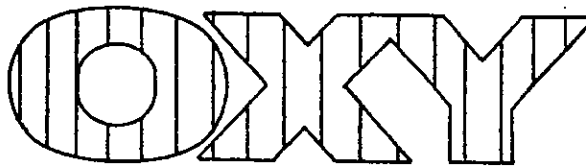
Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,873,555

Registered Jan. 17, 1995

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

OWNER OF U.S. REG. NOS. 941,289, 1,795,563
AND OTHERS.

THE MARK IS LINED FOR THE COLOR
PINK.

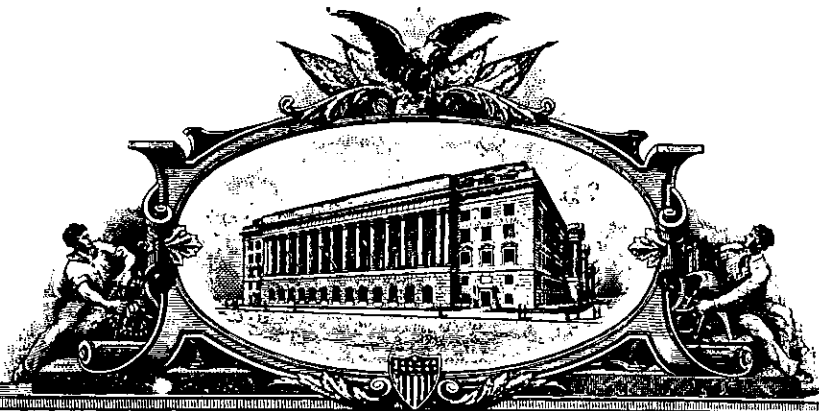
FOR: ACNE MEDICATION, IN CLASS 5 (U.S.
CL. 18).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

SER. NO. 74-485,351, FILED 2-1-1994.

JOHN MICHOS, EXAMINING ATTORNEY

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,869,207 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 27, 1994*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 27, 2004*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

THE MENTHOLATUM COMPANY

A DE CORP

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



T. Lawrence

T. LAWRENCE

Certifying Officer

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office **Reg. No. 1,869,207**
Registered Dec. 27, 1994

**TRADEMARK
PRINCIPAL REGISTER**

OXY

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

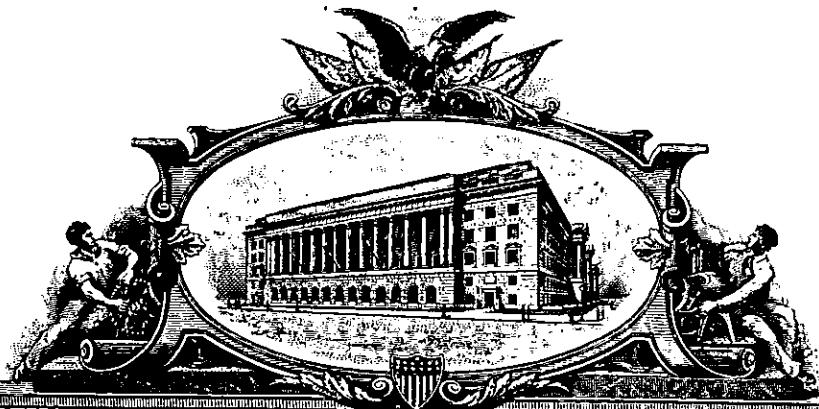
FIRST USE 3-0-1975; IN COMMERCE
3-0-1975.

SER. NO. 74-485,350, FILED 2-1-1994.

FOR: ACNE MEDICATION, IN CLASS 5 (U.S.
CL. 18).

JOHN MICHOS, EXAMINING ATTORNEY

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,919,984 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *January 18, 2005*

SAID RECORDS SHOW TITLE TO BE IN:

***THE MENTHOLATUM COMPANY
A DE CORP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE
Certifying Officer**



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,919,984

Registered Jan. 18, 2005

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)

ONE FRANKLIN PLAZA

PHILADELPHIA, PA 19101

FOR: TOPICAL ACNE MEDICATION, MEDICA-
TED FACE WASH AND MEDICATED SKIN WIPES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-30-2003; IN COMMERCE 6-30-2003.

OWNER OF U.S. REG. NOS. 1,869,207, 2,538,646,
AND OTHERS.

THE MARK CONSISTS OF THE STYLIZED
WORD "OXY" SLANTED UPWARDS FROM LEFT
TO RIGHT WITH A SUNBURST AND TORNADO
SWIRL BEHIND THE WORD "OXY".

SN 78-253,505, FILED 5-23-2003.

KAREN BRACEY, EXAMINING ATTORNEY

7033188

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,874,733 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *August 17, 2004*

SAID RECORDS SHOW TITLE TO BE IN:

***THE MENTHOLATUM COMPANY
A DE CORP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



T. Lawrence

**T. LAWRENCE
Certifying Officer**

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,874,733

Registered Aug. 17, 2004

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

OWNER OF U.S. REG. NOS. 1,869,207 AND
1,873,555.

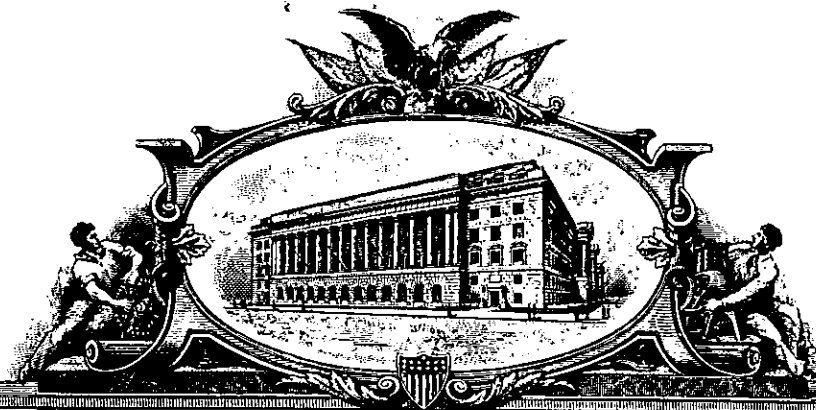
FOR: TOPICAL ACNE MEDICATION, MEDICA-
TED FACE WASH AND MEDICATED SKIN WIPES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 78-271,745, FILED 7-8-2003.

FIRST USE 7-31-2002; IN COMMERCE 7-31-2002.

JOHN DWYER, EXAMINING ATTORNEY

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,919,983 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *January 18, 2005*

SAID RECORDS SHOW TITLE TO BE IN:

***THE MENTHOLATUM COMPANY
A DE CORP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



T. Lawrence

**T. LAWRENCE
Certifying Officer**

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,919,983

Registered Jan. 18, 2005

**TRADEMARK
PRINCIPAL REGISTER**



**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101**

**FOR: TOPICAL ACNE MEDICATION, MEDICA-
TED FACE WASH AND MEDICATED SKIN WIPES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).**

FIRST USE 6-30-2003; IN COMMERCE 6-30-2003.

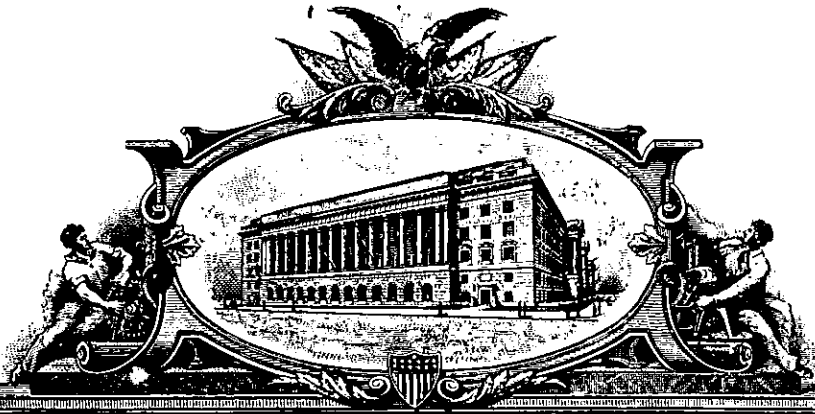
**OWNER OF U.S. REG. NOS. 1,869,207, 2,538,646,
AND OTHERS.**

**THE MARK CONSISTS OF THE STYLIZED
WORD "OXY" SLANTED UPWARDS FROM LEFT
TO RIGHT; THE DESIGN APPEARS IN THE COLOR
DARK PINK AND COLOR IS CLAIMED AS A
FEATURE OF THE MARK.**

SN 78-253,503, FILED 5-23-2003.

KAREN BRACEY, EXAMINING ATTORNEY

7033188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 05, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,480,829 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *August 21, 2001*

SAID RECORDS SHOW TITLE TO BE IN:

***THE MENTHOLATUM COMPANY
A DE CORP***

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE
Certifying Officer**



Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,480,829

Registered Aug. 21, 2001

**TRADEMARK
PRINCIPAL REGISTER**

OXY BALANCE ON-THE-GO

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
P.O. BOX 7929
PHILADELPHIA, PA 19101**

**FOR: ACNE MEDICATION, IN CLASS 5 (U.S. CLS.
6, 18, 44, 46, 51 AND 52).**

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

**OWNER OF U.S. REG. NOS. 1,141,969, 2,125,464,
AND OTHERS.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ON-THE-GO", APART FROM
THE MARK AS SHOWN.**

SN 75-863,425, FILED 12-3-1999.

JOYCE A. WARD, EXAMINING ATTORNEY

7033188

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 06, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,685,219 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *February 11, 2003*

SAID RECORDS SHOW TITLE TO BE IN:

***MENTHOLATUM COMPANY, THE
A DELAWARE CORPORATION***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

L. Edelen

**L. EDELEN
Certifying Officer**



Int. Cls.: 9 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,685,219

Registered Feb. 11, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

THE OXYGENATOR

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
P.O. BOX 7929
PHILADELPHIA, PA 19101

FOR: VIDEO GAME SOFTWARE WHICH IS
DOWNLOADABLE FROM A GLOBAL COMPUTER
NETWORK FOR THE SPECIFIC PURPOSE OF PRO-
MOTION OF APPLICANT'S SKINCARE PRO-
DUCTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-10-2000; IN COMMERCE 5-10-2000.

FOR: ENTERTAINMENT SERVICES, NAMELY,
PROVIDING AN ON-LINE COMPUTER GAME FOR
THE SPECIFIC PURPOSE OF PROMOTION OF
APPLICANT'S SKINCARE PRODUCTS, IN CLASS
41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-10-2000; IN COMMERCE 5-10-2000.

OWNER OF U.S. REG. NOS. 1,869,207, 2,291,853
AND OTHERS.

SER. NO. 76-053,096, FILED 5-22-2000.

ALLISON HALL, EXAMINING ATTORNEY